

House Bill 9

By: Representatives Bearden of the 68th, Talton of the 145th, Mangham of the 94th, Brooks of the 63rd, Jacobs of the 80th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 5 of Article 9 of Chapter 2 of Title 21 of the Official Code of Georgia
2 Annotated, relating to electronic recording voting systems, so as to require all electronic
3 recording voting systems to produce a permanent paper record of the ballots cast on such
4 systems for each voter; to provide that voters have an opportunity to verify such record after
5 voting; to provide that such paper records be retained for use in recounts and election challenge
6 proceedings; to provide for use of certain printers attached or connected to direct recording
7 electronic voting equipment; to provide an effective date; to repeal conflicting laws; and for
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Part 5 of Article 9 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating
12 to electronic recording voting systems, is amended by revising Code Section 21-2-379.1,
13 relating to requirements for use of electronic recording voting systems, to add a new paragraph
14 (6.1) to read as follows:

15 "(6.1) It shall produce a permanent paper record of the ballot cast by each elector, with a
16 manual audit capacity for such system, which record shall:

17 (A) Be available as an official record of the ballot cast and constitute a paper ballot for
18 purposes of any recount conducted under Code Section 21-2-495 or any election
19 challenge under Article 13 of this chapter involving any primary or election in which such
20 system is used; and

21 (B) Provide the elector with an opportunity to review the permanent paper record after
22 casting his or her vote on the system and to change his or her ballot or correct any error
23 in such vote;".

SECTION 2.

Said part is further amended by revising subsection (b) of Code Section 21-2-379.10, relating to procedure for electors using DRE units, as follows:

"(b)(1) After the summary screen is displayed and the elector desires to make no further changes to his or her votes, the elector shall be notified that he or she is about to cast the ballot. The elector shall then press the appropriate button on the unit or location on the screen to actually cast his or her ballot. After pressing the appropriate button on the unit or location on the screen to cast the ballot, the elector's vote shall be final and shall not be subsequently altered except as provided in paragraph (2) of this subsection.

(2)(A) Upon the elector casting his or her ballot on the unit, the unit shall produce for the elector's review a permanent paper record of the elector's cast ballot. The elector shall then review such permanent paper record and, if such record is correct, shall cause such record to be deposited in a ballot box prior to leaving the enclosed space at the polling place. If the elector discovers an error or errors in the ballot cast as shown on the permanent paper record, the elector shall advise the poll officers who shall take such steps as necessary to allow the elector to correct such error or errors.

(B) The permanent paper records shall be secured in locked ballot boxes at all times in a manner similar to paper ballots under this chapter, and such ballot boxes shall not be opened nor shall such ballots be counted unless and until required to be counted pursuant to a recount or an election contest proceeding."

SECTION 3.

Said part is further amended by adding a new Code section to read as follows:

"21-2-379.12.

Until the federal Elections Assistance Commission established pursuant to the federal Help America Vote Act of 2002, on or after the effective date of this Code section, adopts standards for printers attached or connected to direct recording electronic voting equipment and used for the purpose of providing permanent paper records with a manual audit capacity for the ballots cast by each individual voter, no provision of this chapter nor any rule or regulation of the Secretary of State or the State Election Board shall prohibit the use of direct recording electronic voting equipment that utilizes such printers for such purpose that has not received certification for the use of such printers with such voting equipment in primaries and elections from an independent testing authority that tests and certifies voting equipment or other certifying body or entity."

SECTION 4.

This Act shall become effective on July 1, 2007.

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